

MEMORANDUM

Agenda Item No. 11(A)(10)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 17, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution amending Resolution
R-461-13 to provide an exception
when property is conveyed for
appraised value

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(10)
9-17-13

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION R-461-13 TO
PROVIDE AN EXCEPTION WHEN PROPERTY IS
CONVEYED FOR APPRAISED VALUE

WHEREAS, Resolution No. R-461-13 establishes the policy of this Board providing, in part, that property conveyances made pursuant to Florida Statute Section 125.38 to not-for-profit corporations or governmental entities include reverter provisions if the use contemplated by the Board is not maintained; and

WHEREAS, in some instances, County conveyances to such corporations or governmental entities are made in exchange for appraised value; and

WHEREAS, where a conveyance by the County pursuant to Florida Statute Section 125.38 is conditioned upon payment of appraised value, also imposing a reverter could in some occasions result in a hardship or unfairness to the buyer; and

WHEREAS, revising the policy established by R-461-13 to provide an exception to the mandatory inclusion of a reverter in circumstances where a buyer is paying appraised value would provide additional flexibility, and would not eliminate the ability to include a reverter if the circumstances so warranted,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. The policy of this Board set forth in Resolution R-461-13 requiring the mandatory inclusion of a reverter if the use for which the property was conveyed is not

maintained by the not-for-profit corporation or governmental entity shall be amended such that if an entity is paying appraised value for the property, the inclusion of the reverter provision shall be optional.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss and the Co-Sponsor is Vice Chair Lynda Bell. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of September, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve